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10   UNITED STATES DISTRICT COURT

11   NORTHERN DISTRICT OF CALIFORNIA

12   OAKLAND DIVISION

13
    UNITED STATES OF AMERICA,   )   NO. CR 15-00281 JST
14   )
            Plaintiff,   )   STIPULATION AND [PROPOSED] ORDER
15   )   CONTINUING HEARING DATE AND
            v.   )   EXCLUDING TIME FROM JANUARY 22, 2016
16   )   TO FEBRUARY 19, 2016
    AARON W. STRUBE,   )
17   )
            Defendants.   )
18   _____)

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20   The defendant, Aaron W. Strube, represented by Mark Goldrosen, and the government,

21   represented by Scott D. Joiner, Assistant United States Attorney, hereby stipulate and agree as follows:

22   1.   The matter is currently set for change of plea/motions setting on January 22, 2016 at 9:00

23   AM in Oakland.

24   2.   Counsel for the government and counsel for the defendant have a scheduling conflict

25   because both are scheduled to appear in a separate matter for a motions hearing in an eleven-defendant

26   RICO case that was specially set for the same time before the Hon. William H. Orrick in San Francisco

27   (CR 13-00764 WHO).

28   3.   The parties contacted the courtroom deputy clerk regarding alternate dates in the above-

STIP. AND [PROPOSED] ORDER CONTINUING HEARING AND EXLUDING TIME
Case No. CR 15-00281-JST

1 captioned matter and have conferred and agree that February 19, 2016, at 2:00 PM is the best available

2 date given the respective schedules of counsel and ongoing discovery.

3   4.   The parties therefore jointly request that the Court continue the January 22, 2016

4 proceeding until February 19, 2016, at 2:00 PM.

5   5.   The Court previously excluded time under the Speedy Trial Act through and including

6 January 22, 2016, for the effective preparation of counsel.

7   6.   The parties agree that in light of the availability of counsel and ongoing discovery, it

8 remains appropriate to exclude time under the Speedy Trial Act for effective preparation and continuity

9 of counsel through and including the date of the newly requested hearing date of February 19, 2016.

10 The parties therefore jointly request that the Court enter the Proposed Order below continuing the

11 hearing date and excluding time.

12 **SO STIPULATED.**

13 Date: January 19, 2016   BRIAN J. STRETCH
                                                    Acting United States Attorney
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15   By:____/s/_____
                                                    SCOTT D. JOINER
16   Assistant United States Attorney

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     Date: January 19, 2016
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                                                    _____/s/_____
19   MARK GOLDROSEN
                                                    Attorney for Aaron Strube
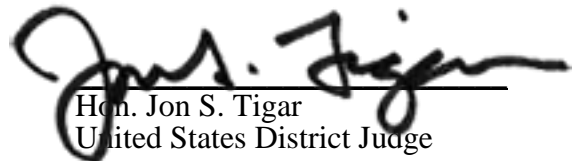20

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[PROPOSED] ORDER

2   Pursuant to stipulation, IT IS HEREBY ORDERED that the court proceeding currently

3 scheduled on January 22, 2016, be continued to February 19, 2016, at 2:00 p.m.

4   Based upon the representation of counsel and for good cause shown, the Court finds that failing

5 to exclude the time between January 22, 2016, and February 19, 2016, would unreasonably deny the

6 defendant continuity of counsel and would deny counsel the reasonable time necessary for effective

7 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The

8 Court further finds that the ends of justice served by excluding the time between January 22, 2016, and

9 February 19, 2016, from computation under the Speedy Trial Act outweigh the best interests of the

10 public and the defendant in a speedy trial.

11   Therefore, IT IS HEREBY ORDERED that the time between January 22, 2016 through and

12 including February 19, 2016, shall be excluded from computation under the Speedy Trial Act. 18

13 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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16 DATED: January 19, 2016_____

Hon. Jon S. Tigar
United States District Judge

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STIP. AND [PROPOSED] ORDER CONTINUING HEARING AND EXLUDING TIME
Case No. CR 15-00281-JST